

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Economy, Transport and Environment
Date:	16 July 2019
Title:	Guidance for Residents for On-Street Electric Vehicle Charging in Hampshire
Report From:	Director of Economy, Transport and Environment

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Purpose of this Report

1. The purpose of this report is to seek approval for a simplified approach to on-street electric vehicle charging in Hampshire, where residents are provided with guidance on sensible precautions to safeguard public safety when charging electric vehicles using a cable across a footway and/or verge.

Recommendations

2. That the Executive Member for Economy, Transport and Environment approve the proposed approach to supporting on-street electric vehicle charging in Hampshire, as set out in this report and the attached guidance.
3. That the Executive Member for Economy, Transport and Environment authorises the Director of Economy, Transport and Environment to make appropriate minor amendments to the guidance as may be required from time to time.

Executive Summary

4. This paper seeks to set out the options for residents without off-street parking to charge electric vehicles, and proposes a simplified approach, where residents are provided with guidance on sensible precautions to safeguard public safety when charging electric vehicles using a cable across a footway and/or verge. This will provide similar opportunities to charge electric vehicles for residents with and without off-street parking.

Contextual information

5. The Government will end the sale of new petrol and diesel cars and vans by 2040. Currently electric cars and vans are more expensive to purchase than conventional vehicles, but cost parity is anticipated by the mid-2020s and lead to an increasing preference for electric vehicles as they are cheaper to run.

6. The majority of charging is anticipated to occur at home overnight, but charging is considerably easier for residents with off-street parking. The County Council therefore needs to determine how residents without off street parking can have access to equivalent on-street charging facilities. "Equivalent" includes benefitting from the lowest electricity tariff available to domestic customers charging off-peak.
7. As well as supporting the Government's aim that almost every car and van will be zero emission by 2050, encouraging the switch from petrol and diesel vehicles to electric and plug-in hybrid vehicles will reduce the public health consequences of vehicle pollutants. Providing equivalent on-street charging facilities for residents without off street parking is central to this aim.

Options

8. The County Council has a framework for procuring electric vehicle charge points, which can be installed in both on and off-street parking areas.
9. It would be possible to install on-street electric vehicle charge points whereby residents without off street parking can charge their vehicle using the closest available facility.
10. The provision of on-street charge points would require Traffic Regulation Orders (TRO) and impose restrictions on spaces available for general parking in areas where parking spaces will be at a premium. Growing demand would require multiple on-street charge points to be provided overtime.
11. There may be technical electricity supply limitations on providing multiple on-street charge points that mean requests could not be met or would require expensive electricity supply works.
12. Limited Government grant funding is available and could enable the County Council to install a small number of on-street electric vehicle charge points at no or at a reduced cost. The available funding would not meet the anticipated demand, requiring funding to be identified.
13. The County Council is unlikely to be able to charge the customer the full cost of providing a charge point, which is estimated to be £7,500 approximately.
14. It would be possible to set the price of electricity paid by the customer to recover the full cost of procuring and operating the charge point over its lifetime. This would result in a considerably higher cost to the customer than would be available to residents charging off-peak at home. There would also be a risk that the costs would not be recovered.
15. The framework includes an option for the supplier to provide electric vehicle charge points at no cost to the County Council, with the supplier investment being recuperated through energy charges. The County Council would still be liable for the cost of any TRO and associated signs. This would limit the County Council's financial risk, but similarly result in a higher cost to the customer than would be available to residents charging off-peak at home.
16. In all cases, the County Council would be liable for future asset management costs, increasing the pressure on an already severely limited highways maintenance budget.

17. The financial implications of installing on-street electric vehicle charge points in response to all requests for charging facilities from residents without off-street parking are prohibitive.
18. It would be possible for the County Council to minimise the financial implications of installing on-street electric vehicle charge points by making no specific provision for residents without off-street parking to charge electric and plug-in hybrid vehicles, and instead advise residents to use a limited number of on-street charging facilities where these may operate on a full-cost recovery basis, those provided in public car parks, and those available commercially.
19. This would result in a loss of convenience and a higher cost to the customer than would be available to residents charging off-peak at home.
20. This would also make owning electric and plug-in hybrid vehicles less attractive and discourage the switch from petrol and diesel vehicles that will reduce the public health consequences of vehicle pollutants.
21. In order to minimise the financial implications for the County Council and encourage the switch to electric and plug-in hybrid vehicles, a straightforward and low cost solution is required.
22. Many residents without off-street parking could charge their vehicle by running an electric cable from their property across a public footway or verge to their vehicle. This would enable residents to conveniently charge their vehicle and benefit from the lowest electricity tariff available to them in the same way as residents with off-street parking. Permitting residents to charge their vehicles in this way would also require no specific provision for on-street electric vehicle charge points, minimising costs for the County Council.
23. Currently residents running an electric cable across a public footway or verge could be required to stop doing so as the cable could present an obstruction and a hazard to pedestrians. A method of permitting residents to run an electric cable from their property across a public footway or verge to their vehicle while safeguarding public safety is therefore required.
24. It would be possible for the County Council to license a cable across the footway for charging electric vehicles. Licences are used to manage a variety of highway activities and a licence for charging electric vehicles would be consistent with existing highways management. A licence would require residents to comply with a number of standard provisions to safeguard the public from the hazard presented by a cable. An administration fee to cover the authority's cost in assessing licence applications could be charged.
25. Meeting standard provisions e.g. public liability insurance, and the cost of applying for a licence, could discourage members of the public from purchasing electric and plug-in hybrid vehicles. The County Council could also be criticised for introducing an unnecessarily restrictive regime if the public consider the standard provisions excessive.
26. It would be possible for the County Council to issue appropriate guidance in lieu of standard licence provisions that would provide safeguards at a lower cost to residents.
27. Permitting residents to charge their vehicles in this way would provide a simplified approach to on-street electric vehicle charging in Hampshire, enable

residents to conveniently charge their vehicle and benefit from the lowest electricity tariff available to them, minimise costs for the County Council, and safeguard public safety.

Legal Considerations

28. Guidance is not enforceable. Those reading are not bound by it, and the County Council is not able to allege a default in the event guidance is not followed.
29. If guidance is provided, and residents charging electric vehicles are required to notify us of the location and confirm they have read it, but enforcement action is not possible, the County Council would need to clearly set out the purpose for retaining personal data.
30. If the data collected is not used for a defined purpose then there will be no legal justification for collating and retaining it. If the purpose of retaining the data is for controlling reasons then a licence would be the appropriate route.
31. By recording details the County Council would also be deemed to be aware of it as a Highway Authority and would need to set out how it informs inspections and action in response to unsafe cables that are seen on the highway. This will become disclosable information in a civil claim.
32. If enforceable criteria are required, then a licence needs to be issued under Section 178 of the Highways Act 1980.
33. An existing licence for a cable on/over the highway is available but is aimed at organisations rather than individuals. A specific licence for charging electric vehicles would be required.
34. If a licence was used, the homeowner would be required to insure the public liability risk as a licence condition.
35. Prosecution of those not applying for licences is provided under s178(4) Highways Act 1980.
36. It is necessary to determine which of guidance or enforcement is the appropriate way to facilitate residents charging electric vehicles. Guidance would need to be information only and not record any data from the homeowner. If controls are considered necessary then a licence would need to be issued.
37. Residents may extend electric cables over the footway for a variety of purposes other than charging electric vehicles e.g. powered garden tools, car cleaning. Similarly, residents may leave obstructions on the footway e.g. rubbish bins for collection, garden waste, etc. Licences are not required to control these potential hazards. Charging electric vehicles is consistent with other routine domestic activities and does not present a specific hazard or aggravated risk.
38. Charging is likely to take place overnight when cables would be less visible. In the winter this would include periods of higher footfall. The hazard is similar to that of non-safety footway defects or obstructions e.g. tree debris.
39. Guidance on sensible precautions would help residents wishing to charge their electric vehicles to make informed decisions.
40. A licence would provide a means of enforcing compliance with broad criteria, but would require inspections and action in response to non-compliance, including potential prosecution. Over time, and with anticipated growth in electric

vehicle ownership, the proposed approach will need to be kept under review. Broad criteria and charges could be perceived as excessive to the risk and a barrier to electric vehicle ownership.

Guidance

41. It is proposed to provide guidance for residents to help them charge their vehicles safely. Guidance is likely to be updated from time to time to reflect feedback. A draft initial guidance document is attached (Appendix 1) and summarised below.
42. Vehicles should be parked as close to the property as possible. Where a vehicle cannot be parked immediately opposite the property, the cable should be run along the carriageway channel against the kerb. The recommended maximum distance from a point opposite the property is 10 metres (approximately 2 car lengths).
43. Vehicle should be parked on the carriageway and in accordance with any parking restrictions. The vehicle should not obstruct the footway.
44. A cable guard should be used and should cover the area likely to be walked across, including the full width of any footway and verge between the property and the vehicle.
45. The cable guard should be non-slip, have contrasting colour markings e.g. yellow, have anti-trip sloped sides, and be of a tough construction suitable for outdoors use.
46. The cable should only be placed over the footway when the vehicle is charging and should be removed after use.
47. Electric vehicles will differ, and residents should refer to their vehicle's handbook for guidance on connecting their specific vehicle to a power supply.
48. Extension leads will also differ and residents should read any instructions on the correct use provided with their extension lead.
49. Cables should never be extended from an upper storey to a vehicle.
50. Where a location is not suitable then the County Council has existing highway powers to prevent cables being used across the public highway.
51. Where a location is suitable, but sensible precautions have not been put in place to charge a vehicle safely, then residents can be advised of the available guidance to support them.

Finance

52. There are no specific financial implications of this proposal.
53. The proposal is recommended as a way to respond positively to the growing demand for electric vehicle charge points from residents without off-street parking while minimising costs for the County Council and safeguarding public safety.

Performance

54. It is anticipated that the guidance would be reviewed over time to ensure it adequately safeguards public safety. Enforcement action could be required where residents running an electric cable across a public footway or verge do not comply with guidance and where the cable presents an obstruction and a hazard to pedestrians.

Consultation and Equalities

55. There is a preference for home charging for electric vehicles due in part to the added convenience and in part because residents can take advantage of the lowest domestic off-peak tariffs available. As such it is felt that consultation on a process to reflect this preference is not necessary. The policy will provide simple and straightforward guidance to make it easier for residents to charge on-street outside their properties where appropriate, while existing highway powers will continue to provide enforcement powers where on-street charging is not appropriate.
56. Residents of multi-occupancy dwellings and/or in urban locations with controlled parking (regulations or designated bays away from property) will not generally be able to charge an electric vehicle on-street in the same way. These residents are not adversely affected by the proposal but are not provided with the same opportunity. Within this group will be lower income households.
57. Guidance for residents seeking to charge their vehicles whilst parked on the street should reduce the risk of hazards posed by extended cables, and as a result have a positive impact on older and younger people, and people with disabilities, who might be more vulnerable to such risk.

Conclusions

58. This report seeks approval for a simplified approach to on-street electric vehicle charging in Hampshire, where residents are provided with guidance on sensible precautions to safeguard public safety when charging electric vehicles using a cable across a footway and/or verge. Adopting this approach will enable residents without off-street parking to conveniently charge their vehicle and benefit from the lowest electricity tariff available to them and minimise costs for the County Council.
59. Alternative options have been considered and rejected based on the need to provide residents without off-street parking access to equivalent on-street charging facilities. "Equivalent" includes benefitting from the lowest electricity tariff available to domestic customers charging off-peak.
60. Providing equivalent on-street charging facilities for residents without off street parking is central to the aim of encouraging the switch from petrol and diesel vehicles to electric and plug-in hybrid vehicles to reduce the public health consequences of vehicle pollutants.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

Residents of multi-occupancy dwellings and/or in urban locations with controlled parking (regulations or designated bays away from property) will not generally be able to charge an electric vehicle on-street in the same way. These residents are not adversely affected by the proposal but are not provided with the same opportunity. Within this group will be lower income households.

Guidance for residents seeking to charge their vehicles whilst parked on the street should reduce the risk of hazards posed by extended cables, and as a result have a positive impact on older and younger people, and people with disabilities, who might be more vulnerable to such risk.